

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL A. AVILES, #280749,

Petitioner,

File No: 1:02-CV-324

v.

HON. ROBERT HOLMES BELL

MARY BERGHUIS,

Respondent.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On September 14, 2011, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation ("R&R") recommending that Petitioner Daniel A. Aviles's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Dkt. No. 64, R&R.) The R&R was duly served on the parties. More than 14 days have elapsed since service of the R&R and no objections have been filed. The Court has reviewed the R&R and is satisfied with its disposition of the case. Accordingly,

**IT IS HEREBY ORDERED** that the R&R (Dkt. No. 64) is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Dkt. No. 1) is **DENIED**.

Dated: October 11, 2011

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE